IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7720 of 2005

Between:

1. M.V.N. Degree College, College Road, Mancherial, Adilabad District, rep. by its Director, Mahesh Kumar Agarwal s/o Shyam Sunder Agarwal, aged 29 years, R/o Mancherial, Adilabad District.
2. M.V.N. Women's Degree College, Ganga Reddy Road, Mancherial, Adilabad District, rep. by its Director, Mahesh Kumar Agarwal s/o Shyam Sunder Agarwal, aged 29 years, R/o Mancherial, Adilabad District.
3. Chaitanya Women's Degree College, College Road, Mancherial , Adilabad District, rep. by its Correspondent M. Sunitha Reddy.
4. Shanti Niketan Degree College, Near Over Bridge, Mancherial , Adilabad District, rep. by its Correspondent M. Madhusudhan Rao.
5. Chanakya Degree College, Mancherial , Adilabad District, rep. by its Correspondent Shivaranjani Reddy.
6. C.V. Raman Degree College, Mancherial , Adilabad District, rep. by its Correspondent M. Madhusudhan Rao.
7. Vivek Vardhani Degree College, Bus Stand, Mancherial , Adilabad District, rep. by its Correspondent A. Hanumantha Rao.
8. Singareni Mahila Degree College, Mandamarri, Adilabad District, rep. by its Correspondent Mahesh Upadhyay.

... PETITIONERS

AND

1 A.P. State Council for Higher Education, Saifabad, Hyderabad, rep. by its Secretary.
2 Kakatiya University, Warangal, rep. by its Registrar.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or Writs, Order of Direction, declaring the notification dt. 24-11-2004 issued by First respondent, which was

published in Telugu newspapers on
25-11-2004, as illegal, arbitrary, and contrary to the provisions of A.P. Education Act,. Award costs and pass such other or further orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.N.SRIDHAR REDDY

Counsel for the Respondents: GP FOR HIGHER EDUCATION

The Court at the stage of admission made the following:

ORDER:

The petitioners seek a declaration that the notification dated 24-11-2004 issued by the first respondent is arbitrary, illegal and contrary to the provisions of the Andhra Pradesh Education Act, 1982.

The petitioner institutions claim to be the recognized Degree Colleges being run at Mancherial and Mandamarri, Adilabad District. This writ petition is filed aggrieved by the notification, dated 24-11-2004, under which applications are invited from the Registered Educational Societies/Colleges for starting new Private Unaided Degree Colleges during the academic year 2005-2006. The petitioners state that the colleges already established at Mancherial and Mandamarri, Adilabad District are catering to the needs of the student community and there is no need for establishing any other Degree Colleges at present. It is also stated that as per the Rules framed under G.O.Ms.No.29, Education Department, dated 05-02-1987 no permission should be granted to the new institutions if the educational needs of the locality are adequately served. It is contended that the first respondent, while issuing the impugned notification, failed to consider the above said aspects and therefore the petitioners made a detailed representation dated 24-03-2005 stating that granting permission for establishment of new educational institutions under the impugned notification is unwarranted and that the same would put the existing colleges into financial constraints. It is alleged that the respondents failed to consider the said representation and have been taking further steps in pursuance of the impugned notification. Hence, this writ petition.

Since the detailed representation made by the petitioner raising objections against the establishment of new institutions at Mancherial and Mandamarri, Adilabad District, in pursuance of the impugned notification, is pending before the

respondents, it is not necessary for this Court to go into the merits of the case, but it would be appropriate to dispose of the writ petition directing the respondents to consider the said representation dated 24-03-2005 of the petitioners, before taking any decision for grant of permission to new colleges.

Accordingly, the writ petition is disposed of with a direction to the respondents to consider the objections raised by the petitioners in the representation dated 24-03-2005 before taking any decision for grant of permission to new colleges at Mancherial and Mandamarri, Adilabad District on the basis of the impugned notification dated 24-11-2004.

The Writ Petition is accordingly disposed of. No order as to costs.

G. ROHINI, J

Dated: 07-04-2005

Note: Furnish C.C. in three days.

B/o.

LSK

ASSISTANT REGISTRAR

To

1. The Secretary, A.P. State Council for Higher Education, Saifabad, Hyderabad,
2 The Registrar, Kakatiya University, Warangal,
3. Two C.Cs. to the G.P. for High Education, High Court Buildings, Hyderabad. (OUT)

4. Two C.D. copies.